

June 15, 2004 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0257

Chester Development Associates, L.C.

Bermuda Magisterial District  
Ecoff Elementary School, Chester Middle School  
and Thomas Dale High School Attendance Zones  
North, south and west lines of DeLaval Street

**REQUEST:** Rezoning from Agricultural (A) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

**PROPOSED LAND USE:**

The subject property is to be incorporated into the limits of the adjacent Neighborhood Residential Tract of the Chester Village Green development. (Proffered Condition)

**RECOMMENDATION**

Recommend denial for the following reasons:

- A. While the proposed zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for residential use with a density of 2.51 to 8 units per acre, the application does not address the transportation concerns, as discussed herein.
- B. The proffered condition does not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered condition does not mitigate the impact on capital facilities,

thereby not insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

#### PROFFERED CONDITION

The request property shall be subject to the regulations as outlined for the Residential Neighborhood Tract in the proffered conditions, conditions and Textual Statement for Case 95SN0309. (P)

#### GENERAL INFORMATION

##### Location:

North and south lines of DeLaval Street, east of Womack Road, as well as west line of DeLaval Street. Tax IDs 787-656-3321 and 4161 (Sheet 26).

##### Existing Zoning:

A

##### Size:

7.9 acres

##### Existing Land Use:

Single family residential

##### Adjacent Zoning and Land Use:

North and South - A; Single family residential

East - C-3 with Conditional Use Planned Development; Single family residential (under construction)

West - A; Single family residential and public/semi-public (Chester Linear Park)

#### UTILITIES

##### Public Water System:

There is an existing eight (8) inch water line extending along a portion of Womack Road, approximately 100 feet west of this site. In addition, a twelve (12) inch water line extends along Chester Village Drive and terminates at DeLaval Street, adjacent to the northeast

corner of this site and a sixteen (16) inch water line is along a portion of DeLavial Street and terminates approximately 445 feet south of the request site. Use of the public water system is intended and has been proffered. (Case 95SN0309, Proffered Condition B.1.)

Public Wastewater System:

An eight (8) inch wastewater collector line extends along Village Creek Drive and terminates adjacent to Village Garden Drive, approximately 450 feet east of the request site. Use of the public wastewater system is intended and has been proffered. (Case 95SN0309, Proffered Condition B.1.)

ENVIRONMENTAL

Drainage and Erosion:

The property drains east through Village Green, which is currently under construction. There are no existing or anticipated on- or off-site, drainage or erosion problems.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program as is further detailed by specific departments in the applicable sections of this "Request Analysis". This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 110 dwelling units, this request will generate approximately twenty-five (25) calls for fire and EMS each year. The applicant has not offered measures to assist in addressing the impact of this development on fire and EMS facilities.

The Chester Fire Station, Company Number 1, and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately fifty-nine (59) students will be generated by this development. The site lies in the Ecoff Elementary School attendance zone: capacity - 759, enrollment -813; Chester

Middle School zone: capacity - 825, enrollment - 768; and Thomas Dale High School zone: capacity - 1840, enrollment - 2005.

There are currently four (4) trailers at Ecoff Elementary. The applicant has not offered measures to assist in addressing the impact of this development on school capital facilities.

#### Libraries:

Libraries has not responded to this proposal.

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan also identifies shortfalls in trails and recreational historic sites.

The applicant has not offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities.

#### Transportation:

In 1995 the Board of Supervisors rezoned approximately eighty-four (84) acres to allow development of a mixed-use project (Chester Village Green) that includes retail, office, residential and public/semi-public land uses (Case 95SN0309). Parts of that project have been or are currently under construction. The applicant has proffered that the subject property (8.0 acres) will be incorporated into the Chester Village Green Project. (Proffered Condition)

The applicant could develop the property for a variety of residential uses. Based on single-family trip rates, development could generate approximately 240 average daily trips. It is anticipated that the majority of these vehicles will initially be distributed along Chester Village Drive to Route 10, which had a 2004 traffic count of 24,746 vehicles per day. Some of these vehicles are also anticipated to travel along Chester Village Drive, through streets in Chesterbrook Farms and Hillandale Subdivisions, to Ecoff Avenue, which had a 2004 traffic count of 2,534 vehicles per day.

The Thoroughfare Plan identifies a proposed north-south major arterial (the "North/South Arterial"), located along the western boundary of the property. This proposed roadway extends from Chester Road, south across Route 10 to the planned north/south and east/west freeways. This roadway will serve as a major link between Route 10 and the planned freeways, and it will provide relief to many of the existing roads in this area.

In the early 1980's, the County acquired from the Seaboard Coastline Railroad a right of way, approximately 100 feet in width, from Chester Road to Branders Bridge Road. The alignment of the North/South Arterial falls within the abandoned railroad right of way. If this roadway were not provided in conjunction with development, public funds would have to be provided for its construction. No public funds have been identified or are anticipated to become available in the foreseeable future.

The traffic impact of this development must be addressed. The Board recently approved a residential rezoning request (Henry D. Moore and Kenneth R. Turner, Case 04SN0170) on the south side of Route 10 adjacent to the planned North/South Arterial. As part of that rezoning request, the Board accepted a proffer that requires the developer to provide some cash contribution towards the construction of the North/South Arterial. Based on action by the Board regarding that rezoning request, Staff recommends the applicant provide a similar "cost per linear foot of frontage" contribution for construction of the North/South Arterial. The applicant is unwilling to participate in the construction of this roadway.

Most area roads in this part of the county have little or no shoulders and poor vertical and horizontal alignments (i.e., Chalkley Road, Centralia Road and Ecoff Avenue). As development continues in this part of the county, traffic volumes on area roads will substantially increase. The roads will need to be improved to address safety and accommodate the increase in traffic. The applicant is unwilling to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development.

The Transportation Department cannot support this request because the applicant has not addressed the impact of this proposed development, including participation in the construction of the North/South Arterial.

Financial Impact on Capital Facilities:

		<u>PER UNIT</u>
Potential Number of New Dwelling Units	110*	1.00
Population Increase	299.20	2.72
Number of New Students		
Elementary	26.40	0.24
Middle	14.30	0.13
High	18.70	0.17
TOTAL	59.40	0.54
Net Cost for Schools	533,170	4,847
Net Cost for Parks	76,230	693
Net Cost for Libraries	41,250	375
Net Cost for Fire Stations	44,110	401
Average Net Cost for Roads	451,990	4,109
TOTAL NET COST	1,146,750	10,425

\* Based on a proffered maximum of fourteen (14) units per acre as indicated in the conditions for Case 95SN0309. Actual number of units and corresponding impact may vary. Note that while 110 units can be developed on the subject parcel, the application limits the number of units so as not to exceed the overall amount of units permitted in accordance with 95SN0309.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. Staff has reviewed this request in accordance with the Board's policy last amended in 2002. The amendment discontinued past practice of allowing the transfer of density credits from one property to another. While this request limits the overall number of dwelling units permitted in accordance with Case 95SN0309 resulting in no net increase in dwelling units, the units that can be developed on this property are subject to impact calculations in accordance with current calculations, not those in effect at the time of approval of case 03SN0309. The applicant has offered cash in the amount of \$5,880 per unit. The amount proffered is the amount approved with adoption of case 95SN0309 as adjusted in accordance with Board approved increases due to the Marshall & Swift Building Cost Index. This amount does not adequately address the impact on these capital facilities. Consequently, the county's ability to provide adequate capital facilities will be adversely affected.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. Staff

recommends that the applicant fully address the impact of this request on capital facilities. The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers as offered.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for residential use of 2.51 to 8.0 units per acre.

### Area Development Trends:

Adjacent properties to the north, south and west are zoned Agricultural (A) and are occupied by single family residential uses and public/semi-public use (Chester Linear Park) or remains vacant. Adjacent property to the east was zoned and is being developed as part of the Chester Village Green development. The subject property is to be incorporated into this development. The Plan anticipates residential development continuing in this area.

### Development Standards:

Currently the request property lies within the Chester Village Core area and is subject to Village District standards. The Village District development standards are intended to recognize unique villages within the County and to maintain and reinforce the character, identity and pedestrian scale by continuing and enhancing existing patterns of development. Where not addressed in the Textual Statement, proffered conditions and conditions of Case 95SN0309, development of the site must conform to the requirements of the Zoning Ordinance which address, among other standards, access, landscaping, architectural treatment, setbacks, parking, signs, buffers and utilities.

### Uses:

With approval of Case 95SN0309 uses in the Residential Neighborhood Tract were limited to detached and attached townhouse and multiple family dwelling units; maintenance facilities for the overall development; marketing/sales centers used to market the development; public and private parks, playgrounds, and passive recreation uses and/or athletic fields; and under certain restrictions stipulated in the Textual Statement, churches and other places of worship (including as accessory uses child or day care centers, nursery schools, and kindergartens); dwelling units separated from principal dwelling units; and second dwelling units within a principal structure.

These uses would be permitted on the subject property as part of the Residential Neighborhood Tract with approval of this request.

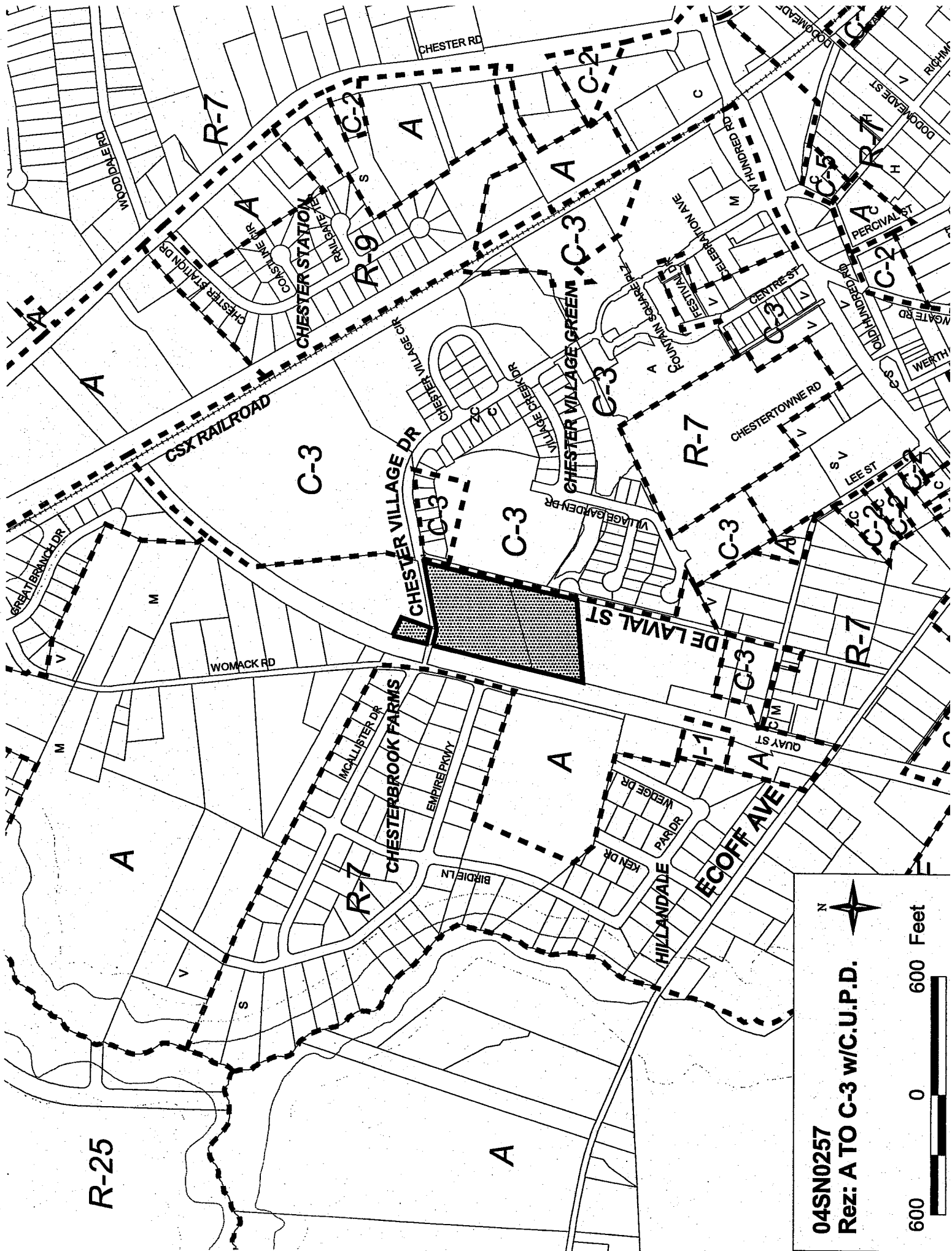
## CONCLUSIONS

While the proposed zoning and land uses conform to the Chester Village Plan which suggests the property is appropriate for residential use with a density of 2.51 to 8 units per acre, the application does not address the transportation concerns, as discussed herein.

In addition, the proffered condition does not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered condition does not mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens. Specifically, the application does not address the impact of the proposed dwelling units on this specific property. The applicant contends that even with this additional property, the "Chester Village Development" will not exceed the number of units permitted in the area already zoned. The Board's policy does not support transfer of "credits".

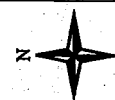
Given these considerations, denial of this request is recommended.





04SN0257

Rez: A TO C-3 w/C.U.P.D.



600 0 600 Feet

NORTH



04SN0257

ROUTE 10

LEWIS RD

CHESTER RD

NORTH/SOUTH ARTERIAL

JEFF DAVIS HWY

HARROWGATE RD

BRANDERS BRIDGE RD

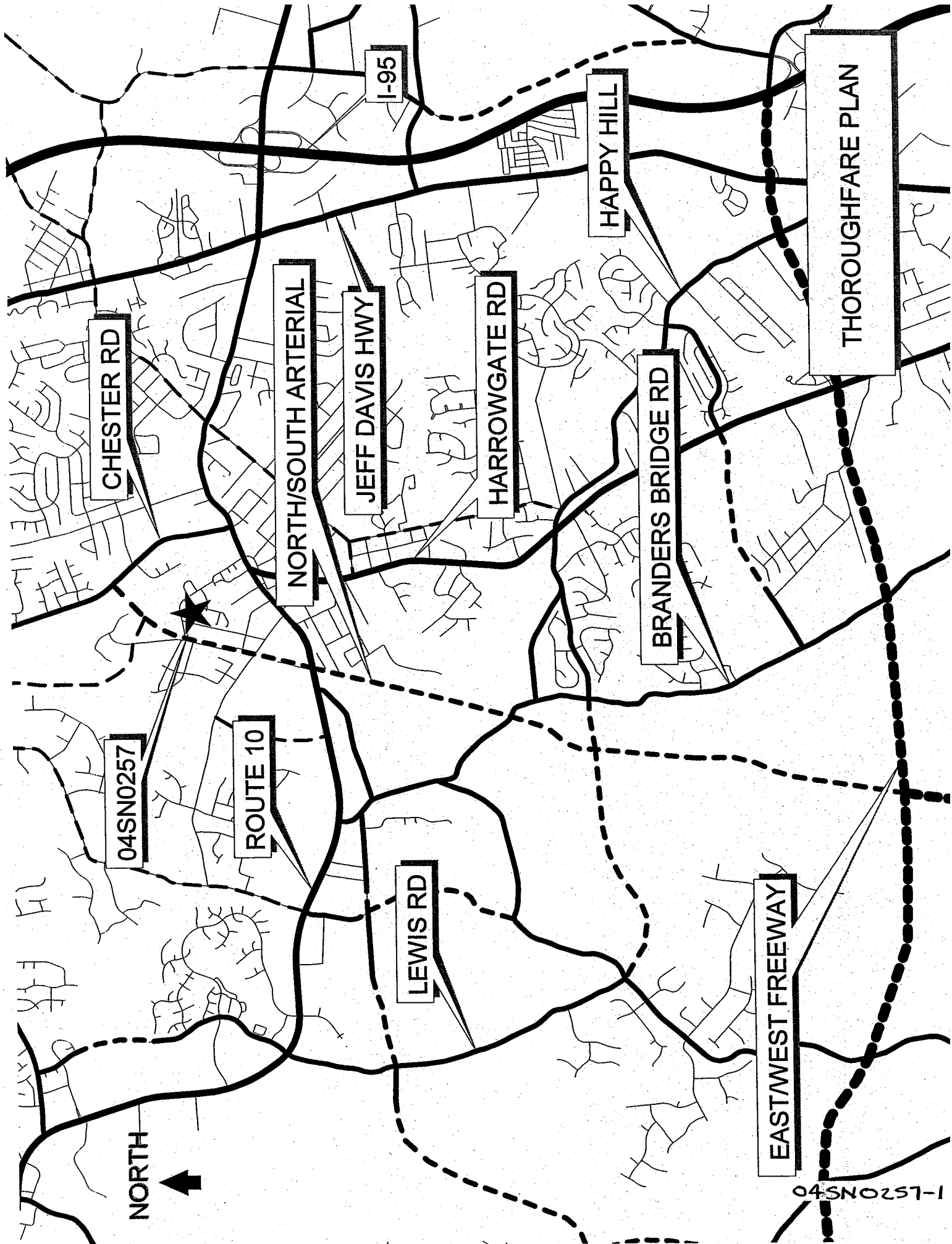
HAPPY HILL

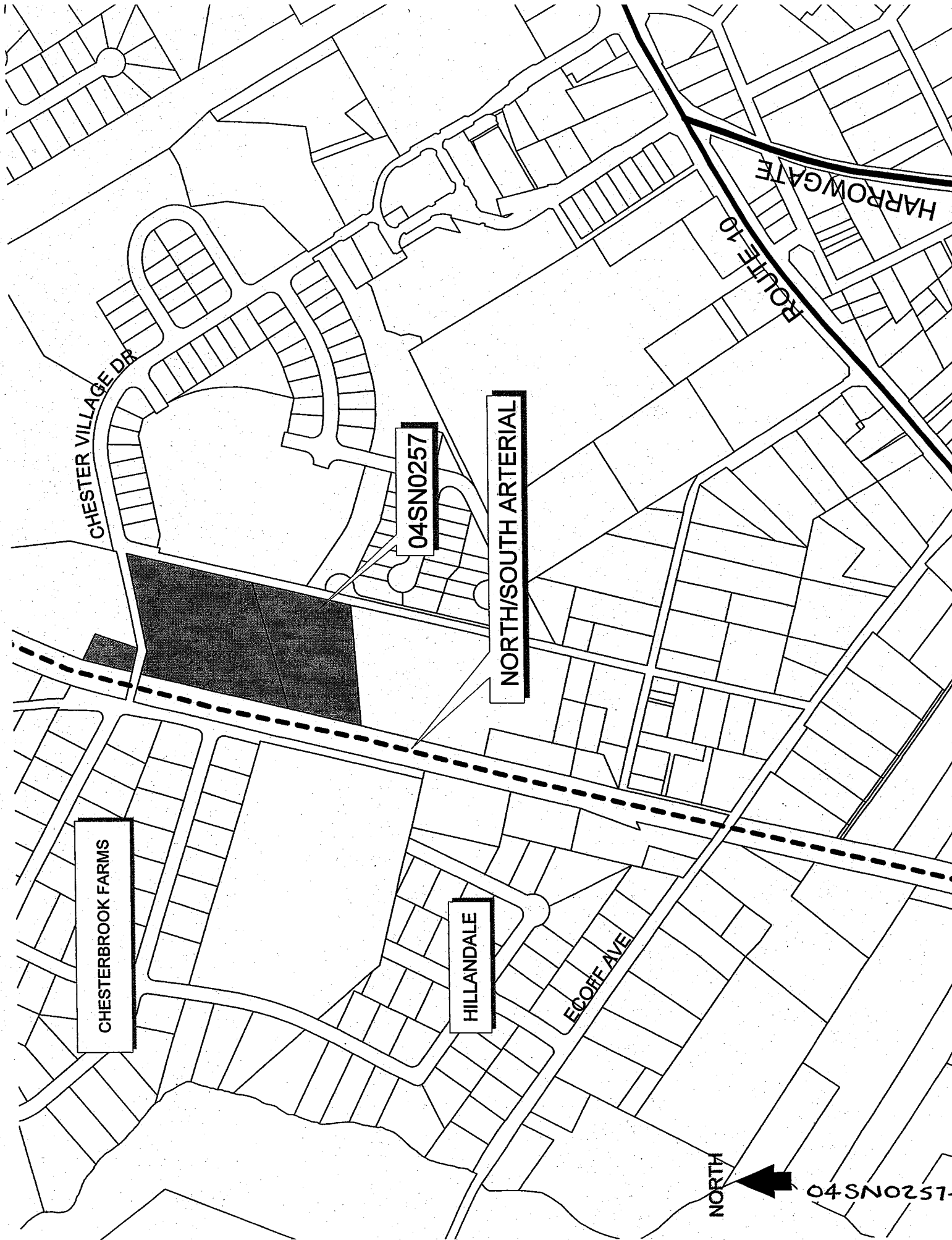
EASTWEST FREEWAY

04SN0257-1

I-95

THOROUGHFARE PLAN





CHESTER VILLAGE DR

04SN0257

NORTH/SOUTH ARTERIAL

CHESTERBROOK FARMS

HILLANDALE

ECOFF AVE

HARROWGATE

ROUTE 10

NORTH

04SN0257-1520NS40